

CITY OF CHICAGO DEPARTMENT OF ADMINISTRATIVE HEARINGS
MUNICIPAL DIVISION

In re the Denial of the Parade Permit Application of
the Students for a Democratic Society for the “March 24 PA 000005
Against US funded Gaza genocide”

BACKGROUND –

On February 29, 2024, Henry Rathburn, President of the SDS at UIC, filed an application for a Parade Permit on behalf of that organization for a parade entitled the March against US funded Gaza genocide. The date for the requested permit was August 19, 2024. The parade would assemble at 11:00am at the Union Park Football/Soccer Combo Field within Union Park at 1501 W. Randolph St. The parade would start at 12:00 pm. The proposed parade route would exit Union Park and enter the street via Washington Blvd. On Washington Blvd. the crowd will march west occupying both lanes and marching past Paulina St, Wolcott Ave, Hoyne Ave., Leavitt St., and Oakley Blvd. before turning left on Western Ave. On Western Ave. the crowd will march south occupying the southbound lane and marching past Warren Blvd, Madison St, Wilcox St, and Adams St. before turning left onto Jackson. On Jackson the crowd will march East occupying all of Jackson Blvd. and marching past Oakley Blvd, Bell Ave, Leavitt St, Seeley Ave, Damen Ave, Wood St. Old Rt. 66, Paulina St before turning left onto Ashland Ave. On Ashland the crowd will march north occupying the northbound lane and marching past Adams St, Monroe St, Madison St, Ogden Ave, Warren Blvd, and Washington Blvd before reentering Union Park. The parade would last an estimated two hours and fifteen minutes and would begin to disband at 3:00pm. The estimated number of participants was listed as 5,000 based on this organization’s experience with past marches and verbal commitments from endorsing organizations.

On March 7, 2024, the Commissioner of the City of Chicago’s Department of Transportation denied this Parade Permit Application for these two reasons:

1. Under Subsection 10-8-330(g)(1) of the Municipal Code of Chicago, the Commissioner found that the proposed parade route will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption.
2. Under Subsection 10-8-330(g)(2) of the Municipal Code of Chicago, the Commissioner found that there are not available at the time of the parade a sufficient number of on-duty police officer, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of other requirements for police protection during the time of the proposed parade.

Also included in this denial letter was a proposed alternate route for this parade. The parade would be held on August 19, 2024. It would assemble at 4:30 pm on Columbus Drive north of Roosevelt Road. It would step-off at 5:00pm and proceed north along Columbus Drive from Roosevelt Road ending at Jackson Drive. The parade would disband at 7:00pm at Jackson Drive between Michigan and Columbus. The applicant did not accept this proposed alternate route.

The Applicant filed a timely appeal of the denial. The Hearing was held on March 18, 2024.

SUMMARY OF THE PROCEEDING –

Prior to the start of the evidence, the parties stipulated to the introduction of the following city exhibits:

- Exhibit 1 – Homeland Security Memorandum dated March 24, 2018, designating the Republican and Democratic National Conventions as National Special Security Events,
- Group Exhibit 3 a-c – Application for a Parade Using the Public Way filed by the Students for a Democratic Society on February 29, 2024.
- Exhibit 4 – Google Map for proposed parade route.
- Group Exhibit 5 a-c – Denial Letter dated March 7, 2024.
- Exhibit 6 – Google Map for proposed alternate route.

City Group Exhibit 2 a-c, the affidavit of Secret Service Agent Rashad Spriggs, was allowed in evidence over objection.

Bryan Gallardo is the Assistant Commissioner in charge of the Public Way Permit office for the Chicago department of Transportation. He explained that after a Parade Permit Application is filed in his office, it is sent to other city departments including the CPD, the CFD, OEMC, Special Events, and the Ward offices to obtain their input as to any conflicts and the availability of resources. He identified City Group Exhibit 3 a-c as the Parade Permit Application at issue in this case. It was filed on February 29, 2024, by Henry Rathburn from the sponsoring organization, Students for a Democratic Society for the parade entitled” March against US funded Gaza genocide.” This application was brought to his attention because it was related to the Democratic National Convention. The route would encircle the United Center with an estimated 5000 marchers on August 19, 2024. This application was circulated to the previously listed city departments.

The Department of Transportation reviewed this application for any traffic conflicts. The first traffic conflict was the existing traffic closings due to the convention itself. Streets were scheduled to be closed for the convention. To accommodate this route would require the closing of three main arterial streets: Ashland, Damen and Western. All three streets have multiple north/south bus routes which would need to be rerouted. This route would also impact emergency vehicles traveling to the hospitals in the Illinois Medical District. These were the reasons the Commissioner denied this permit under Section 10-8-330 (g)(1).

Mr. Gallardo stated the CPD responded to this application saying it had insufficient resources to hold this event. He explained the alternate route on Columbus Drive was chosen because it would have a less significant impact on traffic and would require less police resources.

On cross-examination Mr. Gallardo testified the CPD responded to this application by sending him a Commander Review Letter from the 12th District Commander stating they had inadequate resources for this event. The alternate route has high visibility but would require less city resources and less traffic concerns. This route has been used for past events and the city departments agreed it could accommodate this event. He did look at locations closer to the United Center.

On re-direct examination the witness stated the Columbus Drive location is close to Lake Shore Drive and is visible to the buildings on Michigan Avenue.

Gabriella Shemash is the Area 3 Deputy Chief of Patrol. She is responsible for patrol operations in Area 4 which includes the 12th District which includes the United Center. She also has experience managing large parades such as the Pride Parade and the Puerto Rican Day Parade, but the Democratic National Convention will be much larger than those events. The CPD will be responsible for security for everything outside the security zones which will be set up around the United Center and McCormick Place. Other events have been rescheduled due to the convention. The Air and Water Show has been moved up one week and the Chicago Public Schools will open one week later.

Thousands of Chicago police officers will be assigned to the convention security detail. There are no furloughs and all days off and training sessions have been cancelled during the convention. The CPD is working with the Illinois State Police, the Cook County Sheriff and some suburban police departments to coordinate their security efforts. It is anticipated the convention will bring one million visitors to Chicago. There will be thousands of delegates, heads of state and the President and Vice-President in attendance.

She received a copy of this parade application from the CPD's Special Events Unit. She reviewed it to determine if it was feasible to handle with respect to police resources. Those resources include police personnel as well as the equipment for the police personnel. That equipment would include vehicles, radios and barriers. She is familiar with the area from her previous position as the Commander of the 12th District. She recommended the denial of this permit application. She estimated she would need to close 30 major intersections to secure the route, and the closure of minor streets. On the requested date and time, the police resources will already be deployed. It would take hundreds of police officers and resources to secure this route. It is likely that portions of the proposed route will be within the security perimeter. Ashland Avenue cannot be shut down as it is the major access street for the emergency rooms in the three hospitals in the Illinois Medical District. The same for Western and Damen as these roads are also used by emergency vehicles transporting patients to hospital within the Illinois Medical District. The proposed time for this parade would be at rush hour when traffic in this area is heavy. She reviewed this information with the 12th District Commander who sent the Commander Review Letter to the Department of Transportation requesting this application be

denied. The proposed alternate route is downtown and highly visible. It would require less manpower and resources as it is a straighter, shorter route that is not near any hospitals.

Henry Rathburn is the President of the SDS at UIC. He submitted City Group Exhibit a-c for this parade. The purpose of the march is to focus on the Garza War by expressing their view that this war is unjustifiable. This protest will be directed at the Democratic Senators, Congressmen, Ambassadors and the President. The protest will be conveyed through chants, banners and speech within sight and sound of the United Center.

The proposed alternate route was rejected because it is three miles from the United Center. The delegates and other officials cannot hear or see the protest. The alternate route is across from a public park where not that many people will be present.

DISCUSSION –

The testimony of Bryan Gallardo with respect to the traffic problems was credible. He documented the traffic problems faced by the city just because of the convention and that those problems would be exacerbated by this event. This event would require the closing of Ashland avenue, Damen avenue and Western Avenue. These streets are all major thoroughfares that have north/south bus routes that would need to be re-routed. Closing these streets would also impact the flow of emergency vehicles taking patients to the three hospitals in the Illinois Medical District. This testimony was not contradicted..

Mr. Gallardo's testimony concerning his investigation of this parade permit application was also credible. He followed his usual investigative procedure by notifying the CPD and other city agencies about this permit application and their input on the issuance of this permit. It was through this investigation that Mr. Gallardo received the email from the 12th District Commander objecting to the issuance of this permit.

The testimony of Gabriella Shemash was also credible. Her perspective and opinion on the issuance of this permit is unique because she has managed large scale parades in the past and, as a past Commander of the 12th district, she is aware of the route proposed in the permit application. She detailed the duties of the CPD with relation to security during the convention while continuing to patrol the entire city. She explained the required resources that would be needed for this parade would be hundreds of police officers and the equipment each officer would need. This would include barricades, radios, cameras and vehicles. She reiterated the impact on emergency traffic to the Medical District that would occur if Ashland Avenue was closed. Her opinion that the CPD does not have the resources to handle this event was uncontradicted.

Henry Rathburn is the President of the Students for a Democratic Society UIC and is the applicant for this parade permit under the name "March against US funded genocide." He and his organization want to march to express their views that the Gaza war is unjustifiable. They wish to protest within sight and sound of the Federal Officials, Senators, Congressmen and the President through chants, banners, and speech. His organization rejected the proposed alternate

route because it is three miles from the United Center and the delegates and other officials will not hear their message or see their protest if they march on Columbus Drive.

The Secret Service will be establishing a security perimeter that will probably extend at least a couple of blocks around the United Center. That security perimeter will likely make it impossible for this group or any group of protestors to protest within sight and sound of the United Center. The ordinance does not require the alternate suggested route to be one that would allow the applicant group to march in a position where they could protest within sight and sound of the United Center. The ordinance does not require the applicant approve an alternate route. Under the facts specific to this case, the proposed alternative route meets the requirements of the ordinance.

FINDINGS OF FACT –

The applicant had due and adequate notice of the date, time and location of the requested hearing and of the reasons why the Commissioner of Transportation denied this Parade Permit Application.

The Department of Transportation investigated the facts of this application, in consultation with the police department, as required by Chicago municipal code 10-8-330(5)(f).

The City of Chicago proved by a preponderance of the evidence that the issuance of this Parade Permit would substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and that there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption pursuant to Section 10-8-330(g)(10) of the Chicago Municipal Code.

The City of Chicago proved by a preponderance of the evidence that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of other requirements for police protection during the time of the proposed parade.

The City of Chicago proved by a preponderance of the evidence that the alternate parade route proposed by the City had, to the extent practicable, comparable public visibility and a similar route, location and date to the proposed parade.

DECISION –

The Finding of the Commissioner of the City of Chicago's Department of Transportation denying the issuance of this Parade Permit is AFFIRMED.

Dennis Michael Fleming

Administrative Law Judge

Dated: March 20, 2024